

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

JOHN DAVID CORMIER

PLAINTIFF

v.

No. 07-5190

WILLIAM A. STOREY, Circuit
Judge, Washington County,
Arkansas, et al.

DEFENDANTS

O R D E R

Now on this 18th day of January, 2008, comes on for consideration the Report and Recommendation issued by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas, on December 12, 2007. (Doc. 10.) Plaintiff has filed written objections to the Report and Recommendation. (Doc. 13).

The Court has reviewed this case de novo and, being well and sufficiently advised, finds as follows: The Report and Recommendation is proper and should be and hereby is adopted. Accordingly, plaintiff's claims against the named defendants - Judge William Storey, Attorney Brock Showalter, and Prosecuting Attorney Bill Allred are dismissed on the grounds that plaintiff's claims against these defendants are frivolous, fail to state a claim, and seek relief from defendants who are immune from suit. See 28 U.S.C. § 1915(e)(2)(B).

Plaintiff's complaint, however, will not be dismissed in its entirety at this juncture. In his complaint and in his objections to the Report and Recommendation, plaintiff appears to assert claims that he was subjected to excessive force and that he was denied medical care. While plaintiff does not identify the

individual(s) liable for these alleged violations of his rights, the Court believes that he should be given the opportunity to do so.

Accordingly, the United States District Court Clerk is hereby directed to add John Doe(s) as a defendant to this action and this matter is hereby referred back to the Magistrate Judge to give plaintiff the opportunity to identify the John Doe defendants(s) allegedly liable for subjecting him to excessive force and denying him medical care. Plaintiff's Motion for Appointment of Counsel (Doc. 12) is also referred to the Magistrate Judge.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE